IN THE HIGH COURT OR UTTARAKHAND AT NAINITAL.

Writ Petition No. 286(S/S)2002
(Old no. 32952/ 1998)

Sant Ram S/o Sri Badlu Singh,
R/o village Taprola, P.O. Nehtore,
District Bijnore. ---- Petitioner.

Vs

1. Executive Engineer, Power House Construction Division,
   Pashulok Rishikesh, Dehradun,
2. Chief Engineer, Irrigation Department,
   Yamuna Colony, Dehradun. ----Respondents.

Sri Kishore Kumar, learned counsel for the petitioner,
Sri Atul Tripathi, learned counsel for respondent no. 1,
Sri H.M. Raturi, learned Standing Counsel for respondent no. 2,

Hon'ble M.M. Ghildiyal, J.

Heard Sri Kishore Kumar, learned counsel for the petitioner, Sri Atul Tripathi, learned counsel for respondent no.1 and Sri H.M. Raturi, learned Standing Counsel for respondent no. 2/State.

By means of this wit petition, the petitioner has prayed for the following reliefs:-

i. Issue a writ, order or direction in the nature of mandamus direction the respondents to allow the petitioner to work on the post of Beldar and pay salary continuously,

ii. Issue a writ, order or direction in the nature of certiorari calling for the records of the case and quashing the order dated 07.04.1998 (annexure no. 3 to this writ petition),

iii. Issue any other writ, order or direction which the Hon'ble Court deem just and proper on the facts and circumstances of the case.

iv. Award cost of this petition to the petitioner.

The petitioner who was working as Beldar on Daily Wage basis, was disengaged by the Department alonghwith 53 other persons. The association, of whose the petitioner is a member, raised an Industrial Dispute before the Labour Court, Meerut and the Labour Court dismissed the same on 23.03.1998. Against the award passed by the Presiding Officer, Labour Court, Meerut dated 23.03.1998 the said association has preferred writ petition before the Lucknow Bench of Allahabad High Court.

The petitioner has also filed writ petition before the Allahabad High Court against the order of the Labour Court which was disposed of with a direction to the respondents to take decision on the representation of the petitioner.

In the meantime the petitioner moved representation before the Power House Construction Division, Pashulik Rishikesh, Dehradun with the request to reinstate him in his services. The said representation was rejected by the Executive Engineer stating therein that since the writ petition preferred by the petitioners' association, against the rejection of the claim by the Labour Court is pending in the Lucknow Bench of Allahabad High Court, therefore no order can be passed in the representation of the petitioner.

Since, against the order of the Labour Court, a writ petition is still pending before the Lucknow Bench of the Allahabad High Court, I do not find merit in the present writ petition filed by the petitioner. The petition lacks merit and is liable to be dismissed.

Accordingly, the writ petition is dismissed. No order as to costs.

(M.M. Ghildiyal, J.)

April 13,2007:
NCM: